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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on October 15, 2002 (Tuesday after a federal holiday).

Mary Ann Copas
Mary Ann Copas, Secretary

In the Application of Ernst Michael Winter et al

Ser.No.: 09/319,142

Filed: April 23, 2001 (CPA filing date)

For: GEMSTONE

Art Unit: 1772

Examiner: Alicia Ann Chevalier

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Assistant Commissioner for Patents
Washington, DC 20231

BOX AF

**LETTER IN RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH 37
CFR 1.192(c) DATED 09/12/2002**

Sir:

In Response to the Notification of Non-Compliance mailed September 12, 2002,
Appellants respectfully submit the following.

Enclosed herewith are three copies of a complete new brief in compliance with
37 CFR 1.192(c). Applicant inadvertently filed only one copy of the Appeal Brief
submitted on July 1, 2002, which made the filing non-compliant with 37 CFR 1.192(c).

This letter and the complete new brief in triplicate are submitted in response to
the Notification of Non-Compliance dated September 12, 2002, which set a one-month
period for response, making this submittal due by October 12, 2002, a Saturday, or the
following Tuesday after a federal holiday, October 15, 2002.

Appellants have attempted to be fully compliant with the Notification of Non-

Compliance and request that the Appeal Brief in triplicate now be submitted to the Honorable Board of Patent Appeals and Interferences as filed.

Respectfully submitted,



Robert W. Becker, Reg. No. 26,255
for applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Hwy 66 East, Suite B
Tijeras, NM 87059

Telephone: (505) 286-3511
Facsimile: (505) 286-3524

RWB:mac